

STATE CONSTRUCTION REGISTRY**AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies provisions related to the state construction registry.

Highlighted Provisions:

This bill:

- ▶ eliminates the requirement to file a notice of commencement with respect to construction projects in the state;
- ▶ requires documents transmitted to the state construction registry database to identify the county in which the project is located and the tax identification number of the property on which the project will occur;
- ▶ modifies requirements related to the filing of a preliminary notice;
- ▶ repeals obsolete language; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

38-1-27, as last amended by Laws of Utah 2009, Chapters 183 and 239

38-1-31, as last amended by Laws of Utah 2009, Chapter 50

38-1-32, as last amended by Laws of Utah 2009, Chapter 50

38-1-33, as last amended by Laws of Utah 2009, Chapter 239

58-56-20, as last amended by Laws of Utah 2009, Chapters 50 and 129

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **38-1-27** is amended to read:

38-1-27. State Construction Registry -- Form and contents of preliminary notice, and notice of completion.

(1) As used in this section, Sections 38-1-30 through 38-1-37, and Section 38-1-40:

(a) "Alternate filing" means a legible and complete filing made in a manner established by the division under Subsection (2)(e) other than an electronic filing.

(b) "Cancel" means to indicate that a filing is no longer given effect.

(c) "Construction project," "project," or "improvement" means all labor, equipment, and materials provided:

(i) under an original contract; or

(ii) by, or under contracts with, an owner-builder.

(d) "Database" means the State Construction Registry created in this section.

(e) (i) "Designated agent" means the third party the Division of Occupational and Professional Licensing contracts with to create and maintain the State Construction Registry.

(ii) The designated agent is not an agency, instrumentality, or a political subdivision of the state.

(f) "Division" means the Division of Occupational and Professional Licensing.

(g) "Interested person" means a person who may be affected by a construction project.

(h) "Program" means the State Construction Registry Program created in this section.

(i) "Project-identifying information" means:

(i) the name of the county in which the property where a project occurs or will occur is located; and

(ii) the tax identification number of that property.

(2) Subject to receiving adequate funding through a legislative appropriation and contracting with an approved third party vendor who meets the requirements of Sections 38-1-30 through 38-1-37, there is created the State Construction Registry Program that shall:

(a) (i) assist in protecting public health, safety, and welfare; and

(ii) promote a fair working environment;

(b) be overseen by the division with the assistance of the designated agent;

(c) provide a central repository for [~~notices of commencement~~], preliminary notices[;]
and notices of completion filed in connection with all privately owned construction projects as

- well as all state and local government owned construction projects throughout Utah;
- (d) be accessible for filing and review by way of the program Internet website of:
- ~~[(i) notices of commencement;]~~
- ~~[(ii)]~~ (i) preliminary notices;
- ~~[(iii)]~~ (ii) a notice of intent to file notice of final completion;
- ~~[(iv)]~~ (iii) a notice for remaining amounts due to complete the contract; and
- ~~[(v)]~~ (iv) notices of completion;
- (e) accommodate:
- (i) electronic filing of the notices described in Subsection (2)(d); and
- (ii) alternate filing of the notices described in Subsection (2)(d) by U.S. mail, telefax, or any other alternate method as provided by rule made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (f) (i) provide electronic notification for up to three e-mail addresses for each interested person or company who requests notice from the construction notice registry; and
- (ii) provide alternate means of notification for a person who makes an alternate filing, including U.S. mail, telefax, or any other method as prescribed by rule made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- (g) provide hard-copy printing of electronic receipts for an individual filing evidencing the date and time of the individual filing and the content of the individual filing.
- (3) (a) The designated agent shall provide notice of all other filings for a project to any person who files a ~~[notice of commencement,]~~ preliminary notice~~[-]~~ or notice of completion for that project, unless the person:
- (i) requests that the person not receive notice of other filings; or
- (ii) does not provide the designated agent with the person's contact information in a manner that adequately informs the designated agent.
- (b) An interested person may request notice of filings related to a project.
- (c) The database shall be indexed by:
- (i) owner name;
- (ii) original contractor name;
- (iii) subdivision, development, or other project name, if any;
- (iv) project address;

~~[(v) lot or parcel number;]~~

(v) the project-identifying information; and

~~[(vi) unique project number assigned by the designated agent; and]~~

~~[(vii)]~~ (vi) any other identifier that the division considers reasonably appropriate in collaboration with the designated agent.

(4) (a) In accordance with the process required by Section 63J-1-504, the division shall establish the fees for:

~~[(i) a notice of commencement;]~~

~~[(ii)]~~ (i) a preliminary notice;

~~[(iii)]~~ (ii) a notice of intent to file notice of final completion;

~~[(iv)]~~ (iii) a notice for remaining amounts due to complete the contract;

~~[(v)]~~ (iv) a notice of completion;

~~[(vi)]~~ (v) a request for notice;

~~[(vii)]~~ (vi) providing a required notice by an alternate method of delivery;

~~[(viii)]~~ (vii) a duplicate receipt of a filing; and

~~[(ix)]~~ (viii) account setup for a person who wishes to be billed periodically for filings with the database.

(b) The fees allowed under Subsection (4)(a) may not exceed the amount reasonably necessary to create and maintain the database.

(c) The fees established by the division may vary by method of filing if one form of filing is more costly to process than another form of filing.

(d) The division may provide by contract that the designated agent may retain all fees collected by the designated agent except that the designated agent shall remit to the division the cost of the division's oversight under Subsection (2)(b).

(5) (a) The database is classified as a public record under Title 63G, Chapter 2, Government Records Access and Management Act, unless otherwise classified by the division.

(b) A request for information submitted to the designated agent is not subject to Title 63G, Chapter 2, Government Records Access and Management Act.

(c) Information contained in a public record contained in the database shall be requested from the designated agent.

(d) The designated agent may charge a commercially reasonable fee allowed by the

designated agent's contract with the division for providing information under Subsection (5)(c).

(e) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, if information is available in a public record contained in the database, a person may not request the information from the division.

(f) (i) A person may request information that is not a public record contained in the database from the division in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

(ii) The division shall inform the designated agent of how to direct inquiries made to the designated agent for information that is not a public record contained in the database.

(6) The following are not an adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act:

- (a) the filing of a notice permitted by this chapter;
- (b) the rejection of a filing permitted by this chapter; or
- (c) other action by the designated agent in connection with a filing of any notice permitted by this chapter.

(7) The division and the designated agent need not determine the timeliness of any notice before filing the notice in the database.

(8) (a) A person who is delinquent on the payment of a fee established under Subsection (4) may not file a notice with the database.

(b) A determination that a person is delinquent on the payment of a fee for filing established under Subsection (4) shall be made in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

(c) Any order issued in a proceeding described in Subsection (8)(b) may prescribe the method of that person's payment of fees for filing notices with the database after issuance of the order.

(9) If a notice is filed by a third party on behalf of another, the notice is considered to be filed by the person on whose behalf the notice is filed.

(10) A person filing a ~~[notice of commencement,]~~ preliminary notice~~[-]~~ or notice of completion is responsible for verifying the accuracy of information entered into the database, whether the person files electronically or by alternate or third party filing.

(11) Each notice or other document that is submitted for inclusion in the database shall

156 contain the project-identifying information for the construction project to which the notice or
157 other document relates.

158 Section 2. Section **38-1-31** is amended to read:

159 **38-1-31. Building permit -- Construction -- Notice registry.**

160 (1) (a) (i) ~~[(A)]~~ For a construction project where a building permit is issued to an
161 original contractor or owner-builder, no later than 15 days after the issuance of the building
162 permit~~[(B)]~~ the local government entity issuing that building permit shall input the building
163 permit application and transmit the building permit information to the database electronically
164 by way of the Internet or computer modem or by any other means~~[-or]~~.

165 ~~[(H) the original contractor, owner, or owner-builder may file a notice of~~
166 ~~commencement with the database whether or not a building permit is issued or a notice of~~
167 ~~commencement is filed under Subsection (1)(a)(i)(A)(I).]~~

168 ~~[(B) The information submitted under Subsection (1)(a)(i)(A) forms the basis of a~~
169 ~~notice of commencement.]~~

170 (ii) The person to whom a building permit, filed under Subsection (1)(a)(i), is issued is
171 responsible for the accuracy of the information in the building permit.

172 (iii) For the purposes of classifying a record under Title 63G, Chapter 2, Government
173 Records Access and Management Act, building permit information transmitted from a local
174 governmental entity to the database shall be classified in the database by the division
175 notwithstanding the local governmental entity's classification of the building permit
176 information.

177 ~~[(b) No later than 15 days after commencement of physical construction work at the~~
178 ~~project site, the original contractor, owner, or owner-builder may file a notice of~~
179 ~~commencement with the database whether or not a building permit is issued or a notice of~~
180 ~~commencement is filed under Subsection (1)(a).]~~

181 ~~[(c) An original contractor, owner, or owner-builder may file a notice of~~
182 ~~commencement with the designated agent prior to the time frames established in Subsections~~
183 ~~(1)(a) and (b).]~~

184 ~~[(d) An owner of construction or an original contractor may file a notice of~~
185 ~~commencement with the designated agent within the time prescribed by Subsections (1)(a) and~~
186 ~~(b).]~~

~~[(c) (i) If duplicate notices of commencement are filed, they shall be combined into one notice for each project and any notices filed relate back to the date of the earliest-filed notice of commencement for the project.]~~

~~[(ii) A duplicate notice of commencement that is untimely filed relates back under Subsection (1)(c)(i) if the earlier filed notice of commencement is timely filed.]~~

~~[(iii) Duplicate notices of commencement shall be automatically linked by the designated agent.]~~

~~[(f) The designated agent shall assign each construction project a unique project number that:]~~

(b) The project-identifying information constitutes the unique project identifier that:

(i) identifies each construction project; and

(ii) ~~[can]~~ shall be associated with all ~~[notices of commencement,]~~ preliminary notices~~;~~ and notices of completion.

~~[(g) A notice of commencement is effective only as to any labor, service, equipment, and material furnished to the construction project that is furnished subsequent to the filing of the notice of commencement.]~~

~~[(2) (a) A notice of commencement shall include the following:]~~

~~[(i) the name and address of the owner of the project;]~~

~~[(ii) the name and address of the:]~~

~~[(A) original contractor; and]~~

~~[(B) surety providing any payment bond for the project, or if none exists, a statement that a payment bond was not required for the work being performed; and]~~

~~[(iii) (A) the project address if the project can be reasonably identified by an address; or]~~

~~[(B) the name and general description of the location of the project if the project cannot be reasonably identified by an address:]~~

~~[(b) A notice of commencement may include:]~~

~~[(i) a general description of the project; or]~~

~~[(ii) the lot or parcel number, and any subdivision, development, or other project name, of the real property upon which the project is to be constructed if the project is subject to mechanics' liens:]~~

218 ~~[(c) A notice of commencement need not include all of the items listed in Subsection~~
219 ~~(2)(a) if:]~~

220 ~~[(i) a building permit is issued for the project; and]~~

221 ~~[(ii) all items listed in Subsection (2)(a) that are available on the building permit are~~
222 ~~included in the notice of commencement.]~~

223 ~~[(3) If a notice of commencement for a construction project is not filed within the time~~
224 ~~set forth in Subsections(1)(a) and (b), the following do not apply:]~~

225 ~~[(a) Section 38-1-32; and]~~

226 ~~[(b) Section 38-1-33.]~~

227 ~~[(4) (a) Unless a person indicates to the division or designated agent that the person~~
228 ~~does not wish to receive a notice under this section, electronic notice of the filing of a notice of~~
229 ~~commencement or alternate notice as prescribed in Subsection (1), shall be provided to:]~~

230 ~~[(i) all persons who have filed notices of commencement for the project; and]~~

231 ~~[(ii) all interested persons who have requested notices concerning the project.]~~

232 ~~[(b) (i) A person to whom notice is required under Subsection (4)(a) is responsible for:]~~

233 ~~[(A) providing an e-mail address, mailing address, or telefax number to which a notice~~
234 ~~required by Subsection (4)(a) is to be sent; and]~~

235 ~~[(B) the accuracy of any e-mail address, mailing address, or telefax number to which~~
236 ~~notice is to be sent.]~~

237 ~~[(ii) The designated agent fulfills the notice requirement of Subsection (4)(a) when it~~
238 ~~sends the notice to the e-mail address, mailing address, or telefax number provided to the~~
239 ~~designated agent whether or not the notice is actually received.]~~

240 ~~[(5) (a) The burden is upon any person seeking to enforce a notice of commencement~~
241 ~~to verify the accuracy of information in the notice of commencement and prove that the notice~~
242 ~~of commencement is filed timely and meets all of the requirements in this section.]~~

243 ~~[(b) A substantial inaccuracy in a notice of commencement renders the notice of~~
244 ~~commencement unenforceable.]~~

245 ~~[(c) A person filing a notice of commencement by alternate filing is responsible for~~
246 ~~verifying and changing any incorrect information in the notice of commencement before the~~
247 ~~expiration of the time period during which the notice is required to be filed.]~~

248 ~~[(6)]~~ (2) At the time a building permit is obtained, each original contractor shall

conspicuously post at the project site a copy of the building permit obtained for the project.

Section 3. Section **38-1-32** is amended to read:

38-1-32. Preliminary notice.

(1) (a) (i) (A) Except [for a person who has a contract with an owner or an owner-builder or a laborer compensated with wages, a subcontractor] as provided in Subsection (1)(a)(i)(B), a person desiring to claim a lien under this chapter shall file a preliminary notice with the database [by the later of: (A)] within 20 days after commencement of [its] the person's own work or the commencement of furnishing labor, service, equipment, and material to a construction project[; or].

[(B) 20 days after the filing of a notice of commencement if the subcontractor's work commences before the filing of the first notice of commencement.]

(B) The requirement to file a preliminary notice under Subsection (1)(a)(i)(A) does not apply to:

(I) a general contractor on a project with respect to which a building permit is issued;

or

(II) a laborer compensated with wages.

(ii) A preliminary notice filed within the period described in Subsection (1)(a)(i)(A) is effective as to all labor, service, equipment, and material furnished to the construction project, including labor, service, equipment, and material provided to more than one contractor or subcontractor.

~~[(iii) (A) If more than one notice of commencement is filed for a project, a person may attach a preliminary notice to any notice of commencement filed for the project by a party authorized in Section 38-1-31.]~~

~~[(B) A preliminary notice attached to an untimely notice of commencement is valid if there is also a valid and timely notice of commencement for the project filed by a party authorized in Section 38-1-31.]~~

(b) If a person files a preliminary notice after the period prescribed by Subsection (1)(a), the preliminary notice becomes effective five days after the day on which the preliminary notice is filed.

(c) Except as provided in Subsection (1)(e), failure to file a preliminary notice within the period required by Subsection (1)(a) precludes a person from maintaining any claim for

compensation earned for performance of labor or service or supply of materials or equipment furnished to the construction project before the expiration of five days after the late filing of a preliminary notice, except as against the person with whom the person contracted.

(d) (i) (A) If a person who is required to file a preliminary notice under this chapter fails to file the preliminary notice, that person may not hold a valid lien under this chapter.

(B) A county recorder need not verify that a valid preliminary notice is filed when a person files a notice to hold and claim a lien under Section 38-1-7.

(ii) The content of a preliminary notice shall include:

(A) the building permit number for the project, or the number assigned to the project by the designated agent;

(B) the project-identifying information;

~~[(B)]~~ (C) the name, address, and telephone number of the person furnishing the labor, service, equipment, or material;

~~[(C)]~~ (D) the name and address of the person who contracted with the claimant for the furnishing of the labor, service, equipment, or material;

~~[(D)]~~ (E) the name of the record or reputed owner of the project;

~~[(E)]~~ (F) the name of the original contractor under which the claimant is performing or will perform its work; and

~~[(F)]~~ (G) the address of the project or a description of the location of the project.

(iii) Upon request by person identified in Subsection (1)(a)(i), an original contractor shall provide the person with the building permit number for the project, or the number assigned to the project by the designated agent.

~~[(c) If a person provides labor, service, equipment, or material before the filing of a notice of commencement and the notice of commencement is filed more than 15 days after the day on which the person providing labor, service, equipment, or material begins work on the project, the person providing labor, service, equipment, or material need not file a preliminary notice to maintain the person's right to hold a lien under this chapter or any other right, including a right referenced under Subsection (1)(c).]~~

(2) (a) (i) Unless a person indicates to the division or designated agent that the person does not wish to receive a notice under this section, electronic notification of the filing of a preliminary notice or alternate notice as prescribed in Subsection (1), shall be provided to:

(A) the person filing the preliminary notice; and

~~[(B) each person that filed a notice of commencement for the project; and]~~

~~[(C)]~~ (B) all interested persons who have requested notices concerning the project.

(ii) A person to whom notice is required under Subsection (2)(a)(i) is responsible for:

(A) providing an e-mail address, mailing address, or telefax number to which a notice required by Subsection (2)(a) is to be sent; and

(B) the accuracy of any e-mail address, mailing address, or telefax number to which notice is to be sent.

(iii) The designated agent fulfills the notice requirement of Subsection (2)(a)(i) when it sends the notice to the e-mail address, mailing address, or telefax number provided to the designated agent whether or not the notice is actually received.

(b) The burden is upon the person filing the preliminary notice to prove that the person has substantially complied with the requirements of this section.

(c) Subject to Subsection (2)(d), a person required by this section to give preliminary notice is only required to give one notice for each project.

(d) If the labor, service, equipment, or material is furnished pursuant to contracts under more than one original contract, the notice requirements must be met with respect to the labor, service, equipment, or material furnished under each original contract.

(3) (a) If a construction project owner, original contractor, subcontractor, or other interested person believes that a preliminary notice has been filed erroneously, that owner, original contractor, subcontractor, or other interested person can request from the person who filed the preliminary notice evidence establishing the validity of the preliminary notice.

(b) Within ten days after the request described in Subsection (3)(a), the person or entity that filed the preliminary notice shall provide the requesting person or entity proof that the preliminary notice is valid.

(c) If the person or entity that filed the preliminary notice does not provide proof of the validity of the preliminary notice, that person or entity shall immediately cancel the preliminary notice from the database in any manner prescribed by the division pursuant to rule.

(4) A person filing a preliminary notice by alternate filing is responsible for verifying and changing any incorrect information in the preliminary notice before the expiration of the time period during which the notice is required to be filed.

(5) Until June 1, 2008, nothing in this section affects a person's rights under Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery Fund Act.

Section 4. Section **38-1-33** is amended to read:

38-1-33. Notice of completion.

(1) (a) Upon final completion of a construction project, and in accordance with Section 38-1-40, the following with a construction project registered with the database may file a notice of completion with the database:

(i) an owner of the construction project;

(ii) an original contractor of the construction project;

(iii) a lender that has provided financing for the construction project;

(iv) a surety that has provided bonding for the construction project; or

(v) a title company issuing a title insurance policy on the construction project[;].

~~[(vi) a lender that has provided financing for the construction project;]~~

~~[(vii) a surety that has provided bonding for the construction project; or]~~

~~[(viii) a title company issuing a title insurance policy on the construction project.]~~

(b) Notwithstanding Section 38-1-2, if a subcontractor performs substantial work after the applicable dates established by Subsection (1)(a), that subcontractor's subcontract is considered an original contract for the sole purpose of determining:

(i) the subcontractor's time frame to file a notice to hold and claim a lien under Subsection 38-1-7(1); and

(ii) the original contractor's time frame to file a notice to hold and claim a lien under Subsection 38-1-7(1) for that subcontractor's work.

(c) A notice of completion shall include:

(i) the building permit number for the project[, ~~or the number assigned to the project by the designated agent~~];

(ii) the project-identifying information;

~~[(iii)]~~ (iii) the name, address, and telephone number of the person filing the notice of completion;

~~[(iv)]~~ (iv) the name of the original contractor for the project;

~~[(v)]~~ (v) the address of the project or a description of the location of the project;

~~[(vi)]~~ (vi) the date on which final completion is alleged to have occurred; and

373 ~~[(vi)]~~ (vii) the method used to determine final completion.

374 (d) For purposes of this section, final completion of the original contract does not occur
375 if work remains to be completed for which the owner is holding payment to ensure completion
376 of the work.

377 (e) (i) Unless a person indicates to the division or designated agent that the person does
378 not wish to receive a notice under this section, electronic notification of the filing of a notice of
379 completion or alternate notice as prescribed in Subsection (1)(a), shall be provided to:

380 ~~[(A) each person that filed a notice of commencement for the project;]~~

381 ~~[(B)]~~ (A) each person that filed preliminary notice for the project; and

382 ~~[(C)]~~ (B) all interested persons who have requested notices concerning the project.

383 (ii) A person to whom notice is required under this Subsection (1)(e) is responsible for:

384 (A) providing an e-mail address, mailing address, or telefax number to which a notice
385 required by this Subsection (1)(e) is to be sent; and

386 (B) the accuracy of any e-mail address, mailing address, or telefax number to which
387 notice is to be sent.

388 (iii) The designated agent fulfills the notice requirement of Subsection (1)(e)(i) when it
389 sends the notice to the e-mail address, mailing address, or telefax number provided to the
390 designated agent, whether or not the notice is actually received.

391 (iv) Upon the filing of a notice of completion, the time periods for filing preliminary
392 notices stated in Section 38-1-27 are modified such that all preliminary notices shall be filed
393 subsequent to the notice of completion and within ten days from the day on which the notice of
394 completion is filed.

395 (f) A subcontract that is considered an original contract for purposes of this section
396 does not create a requirement for an additional preliminary notice if a preliminary notice has
397 already been given for the labor, service, equipment, and material furnished to the
398 subcontractor who performs substantial work.

399 (2) (a) If a construction project owner, original contractor, subcontractor, or other
400 interested person believes that a notice of completion has been filed erroneously, that owner,
401 original contractor, subcontractor, or other interested person can request from the person who
402 filed the notice of completion evidence establishing the validity of the notice of completion.

403 (b) Within ten days after the request described in Subsection (2)(a), the person who

filed the notice of completion shall provide the requesting person proof that the notice of completion is valid.

(c) If the person that filed the notice of completion does not provide proof of the validity of the notice of completion, that person shall immediately cancel the notice of completion from the database in any manner prescribed by the division pursuant to rule.

(3) A person filing a notice of completion by alternate filing is responsible for verifying and changing any incorrect information in the notice of completion before the expiration of the time period during which the notice is required to be filed.

Section 5. Section **58-56-20** is amended to read:

58-56-20. Standardized building permit content.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall adopt a standardized building permit form by rule.

(2) (a) The standardized building permit form created under Subsection (1) shall include fields for indicating the following information:

(i) the name and address of the owner of or contractor for the project;

(ii) (A) the address of the project; or

(B) a general description of the project; ~~and~~

(iii) the county in which the project is located;

(iv) the tax identification number of the property on which the project will occur; and

~~[(iii)]~~ (v) whether the permit applicant is an original contractor or owner-builder.

(b) The standardized building permit form created under Subsection (1) may include any other information the division considers useful.

(3) (a) A compliance agency shall issue a permit for construction only on a standardized building permit form approved by the division.

(b) A permit for construction issued by a compliance agency under Subsection (3)(a) shall print the standardized building permit number assigned under Section 58-56-19 in the upper right-hand corner of the building permit form in at least 12-point type.

(c) (i) Except as provided in Subsection (3)(c)(ii), a compliance agency may not issue a permit for construction if the information required by Subsection (2)(a) is not completed on the building permit form.

(ii) If a compliance agency does not issue a separate permit for different aspects of the

435 same project, the compliance agency may issue a permit for construction without the
436 information required by Subsection (2)(a)(iii).

437 (d) A compliance agency may require additional information for the issuance of a
438 permit for construction.

439 (4) A local regulator issuing a single-family residential building permit application
440 shall include in the application or attach to the building permit the following notice
441 prominently placed in at least 14-point font: "Decisions relative to this application are subject
442 to review by the chief executive officer of the municipal or county entity issuing the
443 single-family residential building permit and appeal under the International Residential Code."